UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 September 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-52_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-52_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _09/16/2008_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 16 September 2008 have been fully considered but they are not persuasive.

In response to applicant's argument, (starting on Page 16, 3rd ¶) stating Del Sesto reference only discloses a primitive OPT field 308 that only specifies a simple numerical value, the examiner respectfully disagrees.

Del Sesto discloses OPT field 308 is set to designate whether an interactive content may be replaced (i.e., the priority level of the interactive content) and additionally the OPT field 308 may provide information to be interpreted locally for deciding with what content to replace the existing interactive content. Further, OPT field 308 may have a flag (i.e., a unique ID) that indicated the type of content being transmitted, a ticker, a contest, an advertisement, or any other type of content (¶ 0058).

Furthermore, Del Sesto teaches OPT field 308 provides an indicator to the content provider on whether the content can be replaced or not (¶ 0058) and OPT field 308 specifies the type of interactive content (¶ 0062).

Clearly Del Sesto discloses more than just a primitive OPT field 308 that only specifies a simple numerical value. OPT field 308 provides the local content provider with the necessary information to determine if the interactive content can be replaced (¶ 0062). Thus a local content provider can evaluate the interactive content by first determining the priority of the interactive content and whether it may be replaced or not

(¶ 0045 and 0058). Next, local content provider evaluates the flag set in OPT field 308 which indicates the type of interactive content transmitted (i.e., a ticker, a contest, an advertisement, etc.) and whether the content is allowed locally or if the content is illegal locally and must be blocked (¶ 0058 and 0062).

Therefore, Del Sesto teaches a data stripper (604 – figure 6, ¶ 0049) for extracting meta data parameters (i.e., interactive conditional code 303 – figure 3) from a data signal (combined television-interactive code signal 601 sent from broadcast facility to local broadcast subsystem 628) wherein the extracted meta data parameters [303] include a substitution determination parameter (OPT field 308 – figure 3, ¶ 0045) said substitution determination parameter specifying an evaluation type (i.e., priority, type of content, etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058) and value indicating whether the content can be replaced or not) for determining when a subset of original broadcast meta data in said data signal should be replaced (¶ 0045, 0058, and 0062) and an evaluator (606 – figure 6; ¶ 0049) for evaluating the substitution determination parameter [308], said evaluator performing an evaluation of said evaluation type on said evaluation value with respect to a local state (i.e., server 606 determines whether the subsystem 628 requires an application to be blocked ¶ 0060 & 0062) of said modification device [628] (¶ 0062-0065, 0056-0058 and 0045).

2.   Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last Office Action is taken as an admission of the fact(s) noticed.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 44-52 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, 14, 17-19, 22, 23, 25, 27-33, and 37-50 are rejected under 35

U.S.C. 102(e) as being anticipated by Del Sesto et al. "Del Sesto" (US Pub. No.

2007/0130581 A1).

Regarding Claim 1, Del Sesto discloses a data modification device, said data

modification device comprising:

a data modification unit (local broadcast subsystem 628 – figure 6) coupled to an

incoming data terminal (receiver 612 – figure 6), a local data terminal (interactive

broadcast server 606 - figure 6), and a data distribution terminal (transmission facilities

620 – figure 6), wherein the data modification unit is adapted to selectively combine

data from the incoming data terminal [612] and the local data terminal [644] in

accordance with an instruction set (¶ 0049);

a data stripper (604 – figure 6, ¶ 0049) for extracting meta data parameters (i.e.,

interactive conditional code 303 – figure 3) from a data signal (combined television-

interactive code signal 601 sent from broadcast facility to local broadcast subsystem

628) wherein the extracted meta data parameters [303] include a substitution

determination parameter (OPT field 308 – figure 3, ¶ 0045) said substitution

determination parameter specifying an evaluation type (i.e., priority, type of content,

etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058)

and value indicating whether the content can be replaced or not) for determining when a

subset of original broadcast meta data in said data signal should be replaced (¶ 0045,

0058, and 0062);

an evaluator (606 – figure 6; ¶ 0049) for evaluating the substitution determination

parameter [308], said evaluator performing an evaluation of said evaluation type on said

evaluation value with respect to a local state (i.e., server 606 determines whether the

subsystem 628 requires an application to be blocked ¶ 0060 & 0062) of said

modification device [628] (¶ 0062-0065, 0056-0058 and 0045); and

an inserter (608 – figure 6; ¶ 0049) for substituting said subset of original

broadcast meta data (i.e., interactive content) in the data signal with local meta data

(i.e., interactive content more suited to the demographics of local subsystem 628; ¶

0057) based on the evaluator [606] comparison (¶ 0049 & 0065).

As for Claim 2, Del Sesto teaches wherein the evaluation type of the substitution

parameter comprises a comparison and the evaluation value of said substitution

determination parameter [308] comprises a multi-level priority value (i.e., whether the

content should be blocked, passed through, or replaced) (¶ 0045 and 0062).

As for Claim 14, Del Sesto teaches wherein the local data terminal [606] is

adapted to receive a data signal from a storage device [644] (¶ 0065).

As for Claim 17, Del Sesto teaches wherein the storage device is a computer

database (¶ 0065).

As for Claim 18, Del Sesto teaches wherein the data distribution terminal is adapted to transmit a data signal to a distribution channel (¶ 0049 and 0061).

As for Claim 19, Del Sesto teaches wherein the data striper [604] is adapted to separate an incoming signal into a video data component and a meta data component (¶ 0049).

As for Claim 22, Del Sesto teaches the data modification device as set forth in claim 1, further comprising a receiver (CPE 648 – figure 6) adapted to display the combined data from the incoming data terminal and the local data terminal (¶ 0047 and 0029).

As for Claim 23, Del Sesto teaches wherein the receiver is an NTSC enabled television (¶ 0047 and 0029).

As for Claim 25, Del Sesto teaches wherein the receiver is an MPEG2 enabled television (¶ 0047, 0051, and 0029).

As for Claim 27, Del Sesto teaches wherein the receiver is a DBS enabled television (i.e., satellite receiver system) (¶ 0047).

Regarding Claim 28, Del Sesto discloses a data modification system for selective insertion of local meta data into an incoming data stream, the incoming data stream having a video data component and a meta data component, the data modification system comprising:

a data modification unit (local broadcast subsystem 628 – figure 6) coupled to an incoming data terminal (receiver 612 – figure 6) and a local data terminal (interactive broadcast server 606 - figure 6), wherein the data modification unit is adapted to selectively combine data from the incoming data terminal [612] and the local data terminal [644] (¶ 0049);

a data stripper (604 – figure 6, ¶ 0049) for extracting meta data parameters (i.e., interactive conditional code 303 – figure 3) from the incoming data stream (combined television-interactive code signal 601 sent from broadcast facility to local broadcast subsystem 628) wherein the extracted meta data parameters [303] include a substitution determination parameter (OPT field 308 – figure 3, ¶ 0045), said substitution determination parameter specifying an evaluation type (i.e., priority, type of content, etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058) and value indicating whether the content can be replaced or not) for determining when a subset of original broadcast meta data in said incoming data stream should be replaced (¶ 0045, 0058, and 0062);

an evaluator (606 – figure 6; ¶ 0049) for evaluating the substitution determination parameter [308], said evaluator performing an evaluation of said evaluation type on said evaluation value with respect to a local state (i.e., server 606 determines whether the

subsystem 628 requires an application to be blocked ¶ 0060 & 0062) of said data

modification system [628] (¶ 0062-0065 and 0056-0058 and 0045); and

an inserter (608 – figure 6; ¶ 0049) for substituting said subset of original

broadcast meta data (i.e., interactive content) in the incoming data stream with local

meta data (i.e., interactive content more suited to the demographics of local subsystem

628; ¶ 0057) based on the evaluator [606] comparison (¶ 0049 & 0065).

As for Claim 29, Del Sesto teaches wherein the evaluation type of the

substitution parameter comprises a comparison and the evaluation value of said

substitution determination parameter [308] comprises a multi-level priority value (i.e.,

whether the content should be blocked, passed through, or replaced) (¶ 0045 and

0062).

Regarding Claim 31, Del Sesto discloses a method of selectively modifying a

data signal, said method comprising:

receiving a data signal (601 – figure 6), the data signal comprising a first data

component (television signal) and a second data component (interactive content and

interactive conditional code) (¶ 0047);

separating the first data component from the second data component (i.e.,

detector 604 detects the interactive content code 300 and provides the code 300 to

server 606) (¶ 0049);

extracting meta data parameters (i.e., interactive conditional code 303 – figure 3) from the data signal (combined television-interactive code signal 601 sent from broadcast facility to local broadcast subsystem 628) wherein the extracted meta data parameters [303] include a substitution determination parameter (OPT field 308 – figure 3, ¶ 0045), said substitution determination parameter specifying an evaluation type (i.e., priority, type of content, etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058) and value indicating whether the content can be replaced or not) for determining when a subset of said second data component in said data signal should be replaced (¶ 0045, 0058, and 0062);

determining whether to replace a subset of the second data component by performing an evaluation of the evaluation type on said evaluation value (¶ 0056-0058) with respect to a local state (i.e., server 606 determines whether the subsystem 628 requires an application to be blocked or whether to replace or pass through the interactive content ¶ 0060, 0062-0065, 0056-0058 and 0045);

retrieving a third data component (local interactive content from database 644) from a database (644 – figure 6), wherein the third data component includes local meta data from a local meta data center (¶ 0065);

replacing a subset of said second data component with the third data component based on the evaluation (¶ 0049 & 0065).

As for Claim 32, Del Sesto teaches wherein the evaluation type of the substitution parameter comprises a comparison and the evaluation value of said

substitution determination parameter [308] comprises a multi-level priority value (i.e.,

whether the content should be blocked, passed through, or replaced) (¶ 0045 and

0062).

As for Claim 37, Del Sesto teaches where the first data component comprises

video (¶ 0047).

Regarding Claim 38, Del Sesto discloses a method of selectively modifying a

data signal, said method comprising:

receiving a data signal (601 – figure 6), the data signal comprising a first data

component (television signal) and a second data component (interactive content and

interactive conditional code) (¶ 0047);

separating the first data component from the second data component (i.e.,

detector 604 detects the interactive content code 300 and provides the code 300 to

server 606) (¶ 0049) further comprises meta data parameters (i.e., interactive

conditional code 303 – figure 3) and wherein the meta data parameters [303] include a

substitution determination parameter (OPT field 308 – figure 3, ¶ 0045), said

substitution determination parameter specifying an evaluation type (i.e., priority, type of

content, etc.) and an evaluation value (i.e., flag that indicates type of interactive content

(¶ 0058) and value indicating whether the content can be replaced or not) for

determining when a subset of the second data component in said data signal should be

replaced (¶ 0045, 0058, and 0062);

determining whether to replace a subset of the second data component by

performing an evaluation of the evaluation type on said evaluation value (¶ 0056-0058)

with respect to a local state (i.e., server 606 determines whether the subsystem 628

requires an application to be blocked or whether to replace or pass through the

interactive content ¶ 0060, 0062-0065, 0056-0058, and 0045);

if replacement of said subset of the second data component is not required then

forwarding the second data component (i.e., interactive content preparer

specifies the content not be replaced using OPT field 308) (¶ 0045 and 0058),

and

merging the forward second data component with the first data component

(i.e., passing the signal through data insertion unit 608 unchanged and sending

merged signal 609 to transmission facilities 620 unchanged) (¶ 0058, 0060, and

0064); and

if replacement of said subset of the second data component is required then

retrieving a third data component from a database (local interactive

content from database 644), wherein the third data component includes local

meta data from a local meta data center (i.e., retrieving a local customized

application that is designed for the geographic viewership) (¶ 0065 and 0057)

forwarding the third data component (figure 6; ¶ 0061 and 0065);

replacing a subset of said second data component with the third data

component (¶ 0049 and 0065).

As for Claim 39, Del Sesto teaches wherein the evaluation type of the

substitution parameter comprises a comparison and the evaluation value of said

substitution determination parameter [308] comprises a multi-level priority value (i.e.,

whether the content should be blocked, passed through, or replaced) and local state

comprises a local priority value (¶ 0045 and 0062).

Regarding Claim 41, Del Sesto discloses a data modification system (628 –

figure 6) for selective insertion of local meta data into a data stream, the data stream

having a video data component and a meta data component, the data modification

system comprising:

a data stripper (604 – figure 6, ¶ 0049) for extracting meta data parameters (i.e.,

interactive conditional code 303 – figure 3) from the data stream (combined television-

interactive code signal 601 sent from broadcast facility to local broadcast subsystem

628) wherein the extracted meta data parameters [303] include a substitution

determination parameter (OPT field 308 – figure 3, ¶ 0045), said substitution

determination parameter specifying an evaluation type (i.e., priority, type of content,

etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058)

and value indicating whether the content can be replaced or not) for determining when a

subset of meta data component in said data stream should be replaced (¶ 0045, 0058,

and 0062);

a data storage device for storing local meta data (644 - figure 6) (¶ 0065);

a processor (606 – figure 6; ¶ 0049) coupled to the data storage device [644] and

the data stripper [604], the processor for evaluating the extracted substitution

determination parameter [308], said processor performing an evaluation of said

evaluation type on said evaluation value with respect to a local state (i.e., server 606

determines whether the subsystem 628 requires an application to be blocked ¶ 0060 &

0062) of said data modification system [628] (¶ 0062-0065, 0056-0058, and 0045); and

a data insertion unit (608 – figure 6; ¶ 0049) coupled to the processor [606], the

data insertion unit for replacing said subset of meta data component (i.e., interactive

content) with local meta data (i.e., interactive content more suited to the demographics

of local subsystem 628; ¶ 0057) based on the evaluation (¶ 0049 & 0065).

Regarding Claim 42, Del Sesto discloses a data modification system (628 –

figure 6) for selective insertion of local meta data into a data stream, the data stream

having a video data component and a meta data component, the data modification

system comprising:

means for extracting (604 – figure 6, ¶ 0049) meta data parameters (i.e.,

interactive conditional code 303 – figure 3) from the data stream (combined television-

interactive code signal 601 sent from broadcast facility to local broadcast subsystem

628) wherein the extracted meta data parameters [303] include a substitution

determination parameter (OPT field 308 – figure 3, ¶ 0045), said substitution

determination parameter specifying an evaluation type (i.e., priority, type of content,

etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058)

and value indicating whether the content can be replaced or not) for determining when a

subset of original broadcast meta data in said data stream should be replaced (¶ 0045,

0058, and 0062);

means for storing the local meta data (644 - figure 6) (¶ 0065);

means for evaluating (606 – figure 6; ¶ 0049) the extracted substitution

determination parameter [308], said means for evaluating performing an evaluation of

said evaluation type on said evaluation value with respect to a local state (i.e., server

606 determines whether the subsystem 628 requires an application to be blocked ¶

0060 & 0062) of said data modification system [628] (¶ 0062-0065 and 0056-0058); and

means for replacing (608 – figure 6; ¶ 0049) said subset of original broadcast

meta data (i.e., interactive content) with local meta data (i.e., interactive content more

suited to the demographics of local subsystem 628; ¶ 0057) based on the evaluation of

the extracted substitution determination parameter (¶ 0049 & 0065).

Regarding Claim 43, Del Sesto discloses a computer-readable medium having

computer executable instructions for performing a method of selectively modifying a

data signal, the method comprising:

receiving a data signal (601 – figure 6), the data signal comprising a first data

component (television signal) and a second data component (interactive content and

interactive conditional code) (¶ 0047);

separating the first data component from the second data component (i.e.,

detector 604 detects the interactive content code 300 and provides the code 300 to

server 606) (¶ 0049);

extracting meta data parameters (i.e., interactive conditional code 303 – figure 3)

from second data component wherein the extracted meta data parameters [303] include

a substitution determination parameter (OPT field 308 – figure 3, ¶ 0045), said

substitution determination parameter specifying an evaluation type (i.e., priority, type of

content, etc.) and an evaluation value (i.e., flag that indicates type of interactive content

(¶ 0058) and value indicating whether the content can be replaced or not) for

determining when a subset of the second data component in said data signal should be

replaced (¶ 0045, 0058, and 0062);

determining whether to replace a subset of the second data component by

performing an evaluation of the evaluation type on said evaluation value (¶ 0056-0058)

with respect to a local state (i.e., server 606 determines whether the subsystem 628

requires an application to be blocked or whether to replace or pass through the

interactive content ¶ 0060, 0062-0065, 0056-0058, and 0045);

if replacement of said subset of the second data component is not required then

forwarding the second data component (i.e., interactive content preparer

specifies the content not be replaced using OPT field 308) (¶ 0045 and 0058),

merging the forward second data component with the first data component

(i.e., passing the signal through data insertion unit 608 unchanged and sending

merged signal 609 to transmission facilities 620 unchanged) (¶ 0058, 0060, and

0064); and

if replacement of said subset of the second data component is required then

retrieving a third data component from a database (local interactive

content from database 644), wherein the third data component includes local

meta data from a local meta data center (i.e., retrieving a local customized

application that is designed for the geographic viewership) (¶ 0065 and 0057)

forwarding the third data component (figure 6; ¶ 0061 and 0065);

replacing a subset of said second data component with the third data

component based on the evaluation (¶ 0049 and 0065).

Regarding Claim 44, Del Sesto discloses a method of controlling a display of

enhanced television content for viewers from a distribution point comprising:

receiving a broadcast signal (601 – figure 6) comprising a video component

(television signal) and a generic meta data component (interactive content and

interactive conditional code), the generic meta data component comprising triggers

(interactive content codes) and broadcast meta data (interactive content) (¶ 0047);

extracting meta data parameters (i.e., interactive conditional code 303 – figure 3)

from the generic meta data component (combined television-interactive code signal 601

sent from broadcast facility to local broadcast subsystem 628) wherein the extracted

meta data parameters [303] include a substitution determination parameter (OPT field

308 – figure 3, ¶ 0045), said substitution determination parameter specifying an

evaluation type (i.e., priority, type of content, etc.) and an evaluation value (i.e., flag that indicates type of interactive content (¶ 0058) and value indicating whether the content can be replaced or not) for determining when a subset of said broadcast meta data component in said broadcast signal should be replaced (¶ 0045, 0058, and 0062);

performing an evaluation of the evaluation type on said evaluation value (¶ 0056-0058) with respect to a local state (i.e., server 606 determines whether the subsystem 628 requires an application to be blocked or whether to replace or pass through the interactive content ¶ 0060 & 0062-0065) to determine whether to replace said subset of said broadcast meta data with local meta data (server 606 makes the determination based on the value in the OPT field 308) (¶ 0045, 0056-0058, and 0062-0065);

replacing said subset of said broadcast meta data with local meta data in response to a determination in the evaluating step to obtain a modified broadcast signal (¶ 0049 & 0065);

broadcasting the modified broadcast signal [609] (via transmission facilities 620 – figure 6) to the viewers [CPE 648] in a local market (¶ 0065 and 0057).

As for Claim 45, Del Sesto teaches wherein the evaluation type of the substitution parameter comprises a comparison and the evaluation value of said substitution determination parameter [308] comprises a multi-level priority value (i.e., whether the content should be blocked, passed through, or replaced) and said local state comprises a local priority value (¶ 0045 and 0062).

As for Claim 46, Del Sesto teaches wherein:

the generic meta data component further comprises content (¶ 0047); and

the local meta data comprises triggers and content (¶ 0061 and 0065).

As for Claim 47, Del Sesto discloses the method as set forth in claim 44, said

method further comprising:

repeating the evaluation of the evaluation type on said evaluation value with

respect to said local state (¶ 0060-0062); and

broadcasting the broadcasting signal to the viewers in response to a

determination in the repeated evaluating step to not make the insertion (¶ 0058 and

0064).

As for Claim 48, Del Sesto teaches wherein the substitution determination

parameter [308] comprises a geographic region identifier parameter (i.e., broadcast

server 608 inserts a custom interactive content into the video signal 607 based on a

determination of custom content broadcast suited to the demographics of the local

subsystem 628) said local state comprises a geographic identifier (¶ 0057 and 0045).

As for Claim 49, Del Sesto teaches the method as set forth in claim 44, said

method further comprising: stripping the generic meta data component from the

broadcast signal prior to the evaluating step (i.e., code detector 604 receives the video

signal, detects the content code 300 and provides the code 300 to server 606 to be

evaluated) (¶ 0049).

As for Claim 50, Del Sesto teaches the method set forth in claim 49, said method

further comprising:

repeating the evaluation of the evaluation type on said evaluation value with

respect to said local state (¶ 0060-0062),

inserting the generic meta data component back into the broadcast signal in

response to a determination in the repeated evaluating step to not make the insertion, to

obtain a reconstructed broadcast signal (¶ 0058 and 0064); and

broadcasting the reconstructed broadcast signal to viewers (¶ 0064).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 5-7, 15, 16, 20, 21, 24, and 26 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Del Sesto.

As for Claims 5-7, Del Sesto discloses the device of claim 1, but fails to disclose

that the incoming data terminal is adapted to receive a data signal that conforms to a

TCP/IP standard, an ATVEF standard, and a DOCSIS standard. However, Official

notice is taken of the fact that it is well known in the art to adapt a data terminal of a broadcast headend to receive a data signal conforming to a TCP/IP standard, for the purposes of enabling communication with TCP/IP devices; an ATVEF standard, for the purposes of enabling communication with enhanced television devices; and a DOCSIS standard, for the purposes of enabling communication with DOCSIS devices, respectively. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the incoming data terminal of Del Sesto to receive a data signal that conforms to a TCP/IP standard, an ATVEF standard, and a DOCSIS standard, for the purpose of enabling communication with any well known standard such as TCP/IP devices, ATVEF devices, and DOCSIS devices in order to provide compatibility with any interactive television system.

As for Claims 15 and 16, Del Sesto discloses the data modification device of claim 14, but fails to specifically disclose wherein the storage device is a recordable disk or a RAM. The examiner gives Official Notice that it is notoriously well known in the art to employ recordable disks and memory devices such as RAM to store data on for retrieval by a processor. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Del Sesto to include wherein the storage device is a recordable disk or RAM for the purpose of storing large amounts of data in a reliable computer media.

As for Claims 20 and 21 Del Sesto discloses the device of claim 2, but fails to disclose wherein the processor is a reprogrammable device or an ASIC. Official notice is taken of the fact that it is well known in the art to implement a processor as a reprogrammable device, for the purpose of increasing system flexibility; and to implement a processor as an ASIC, for the purpose of improving device efficiency by using a processor designed for a specific application. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the processor of Del Sesto as a reprogrammable device, for the purpose of increasing system flexibility; and to implement a processor as an ASIC, for the purpose of improving device efficiency by using a processor designed for a specific application in the cable headend.

As for Claims 24 and 26, Del Sesto disclose the device of claim 22, but fail to disclose the receiver is an HDTV enabled television and a DVD enabled television. Official notice is taken of the fact that it is well known in the art to implement a receiver: as an HDTV enabled television, thus enabling high-definition content to be viewed by the user; and a DVD enabled television, thus enabling compatibility with programming provided in DVD format. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver of Del Sesto to include an HDTV enabled television and a DVD enabled television, for the benefit of enabling compatibility with programming provided in NTSC format, HDTV format, MPEG-2 format, DVD format, and DBS format.

8.   Claims 3, 30, 33-35, and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Del Sesto in view of Picco et al. "Picco" (USPN 6,029,045).

As for Claims 3, 30, 33, and 40 Del Sesto teaches wherein the evaluation type of

the substitution parameter comprises a comparison and the evaluation value of said

substitution determination parameter [308] comprises a priority value (i.e., whether the

content should be blocked, passed through, or replaced) and interactive content value

(i.e., flag indicates type of interactive content) (¶ 0045 and 0062). Further, Del Sesto

discloses the broadcast server 608 inserts a custom interactive content into the video

signal 607 based on a determination of custom content broadcast suited to the

demographics of the local subsystem 628 (¶ 0057). However, Del Sesto fails to

specifically disclose wherein the evaluation type of the substitution parameter comprises

a string comparison and the evaluation value of said substitution determination

parameter comprises a geographic region name value.

In an analogous art, Picco discloses wherein the evaluation type of the

substitution parameter (i.e., content profile associated with local content) comprises a

string comparison and the evaluation value of said substitution determination parameter

comprises a geographic region name value (i.e., based on the value of the geographic

region indicated in the content profile, such as zip code) (Col. 7, line 33 to Col. 8, line

39). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Del Sesto to include wherein the evaluation type of

the substitution parameter comprises a string comparison and the evaluation value of

said substitution determination parameter comprises a geographic region name value

as taught by Picco for the benefit of using a known technique to improve a similar

method in the same way so as to facilitate targeting content to specific receivers for the

purpose of providing content that is more appealing for the viewer.

As for Claims 34 and 35, Del Sesto and Picco fail to disclose wherein the

processor is a reprogrammable circuit or an ASIC. Official notice is taken of the fact that

it is well known in the art to implement a processor as a reprogrammable device, for the

purpose of increasing system flexibility; and to implement a processor as an ASIC, for

the purpose of improving device efficiency by using a processor designed for a specific

application. Accordingly, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Del Sesto and Picco to include a

reprogrammable circuit, for the purpose of increasing system flexibility; and to

implement a processor as an ASIC, for the purpose of improving device efficiency by

using a processor designed for a specific application in the cable headend.

9.   Claims 4, 8-13, 36, 51, and 52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Del Sesto in view of Kalluri et al. "Kalluri (USPN 5,937,331) [of

record].

As for Claim 4, Del Sesto discloses wherein the evaluation type of the

substitution parameter comprises a comparison and the evaluation value of said

substitution determination parameter [308] comprises a priority value (i.e., whether the

content should be blocked, passed through, or replaced) and interactive content value

(i.e., flag indicates type of interactive content) (¶ 0045 and 0062). Del Sesto however is

silent on disclosing OPT filed 308 comprising a unique identifier for said data

modification device.

In an analogous art, Kalluri discloses transmitting a trigger 200 or "meta data"

from remote network 10 to broadcast station 50, wherein the trigger 200 comprises a

unique identifier (i.e., unit address field 210) for the data modification device (Col. 6,

lines 18-56). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the data modification device of Del Sesto to

include wherein the evaluation type of the substitution parameter comprises a

comparison and the evaluation value of said substitution parameter comprises a unique

identifier for said data modification device as taught by Kalluri for the benefit of directing

local subsystems on the protocols of replacing or inserting interactive content.

As for Claim 8, Del Sesto and Kalluri disclose, in particular Del Sesto teaches

wherein a format of the data on said incoming data terminal is an NTSC format (¶

0029).

As for Claim 9, Del Sesto and Kalluri disclose, Del Sesto teaches wherein a

format of the data on said incoming data terminal is an MPEG2 format (¶ 0029 and

0051).

As for Claims 10-12, Del Sesto and Kalluri disclose the device of claim 4, but fail to disclose wherein a format of the data on said incoming data terminal is an HDTV format, a DVD format, and a DBS format. Official notice is taken of the fact that it is well known in the art to employ a broadcasting source of an HDTV format, for enabling communication with HDTV compatible devices; a DVD format, enabling communication with DVD compatible devices; and a DBS format, for enabling communication with DBS compatible devices. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcasting source of Del Sesto and Kalluri to include an HDTV format, a DVD format, and a DBS format, for the purpose conserving transmission bandwidth and enabling communication with HDTV, DVD, and DBS compatible devices in an interactive television system.

As for Claim 13, Del Sesto and Kalluri disclose, in particular Del Sesto teaches wherein the data signal comprises a video data component and a meta data component (¶ 0047).

As for Claim 36, Del Sesto discloses wherein the evaluation type of the substitution parameter comprises a comparison and the evaluation value of said substitution determination parameter [308] comprises a priority value (i.e., whether the content should be blocked, passed through, or replaced) and interactive content value (i.e., flag indicates type of interactive content) (¶ 0045 and 0062). Del Sesto however is

silent on disclosing OPT filed 308 comprising a unique identifier for said data

modification device.

In an analogous art, Kalluri discloses transmitting a trigger 200 or "meta data"

from remote network 10 to broadcast station 50, wherein the trigger 200 comprises a

unique identifier (i.e., unit address field 210) for the data modification device (Col. 6,

lines 18-56). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the method of Del Sesto to include wherein

the substitution parameter comprises a unique identifier for said data modification

device as taught by Kalluri for the benefit of directing local subsystems on the protocols

of replacing or inserting interactive content.

As for Claim 51, Del Sesto discloses wherein the evaluation type of the

substitution parameter comprises a comparison and the evaluation value of said

substitution determination parameter [308] comprises a priority value (i.e., whether the

content should be blocked, passed through, or replaced) and interactive content value

(i.e., flag indicates type of interactive content) (¶ 0045 and 0062). Del Sesto however is

silent on disclosing OPT filed 308 comprising a unique identifier for said data

modification device.

In an analogous art, Kalluri discloses transmitting a trigger 200 or "meta data"

from remote network 10 to broadcast station 50, wherein the trigger 200 comprises a

unique identifier (i.e., unit address field 210) and the local state (program source 58)

comprises a unique identifier for a machine implementing said method (Col. 6, lines 18-

56). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the method of Del Sesto to include wherein the

evaluation value of the substitution parameter comprises a unique identifier and said

local state comprises a unique identifier for a machine implementing said method as

taught by Kalluri for the benefit of directing local subsystems on the protocols of

replacing or inserting interactive content.

As for Claim 52, Del Sesto and Kalluri discloses the method of claim 51, but fail

to disclose the generic parameters and the local parameters are defined by options

established by an Advanced Television Enhancement Forum specification.

Official notice is taken of the fact that it is well known in the art to define

enhanced television content according to an ATVEF specification, for the benefit of

ensuring compatibility with ATVEF devices.

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the system of Del Sesto and Kalluri to include

the generic parameters and the local parameters are defined by options established by

an Advanced Television Enhancement Forum specification, for the benefit of ensuring

compatibility with ATVEF devices.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-

8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST

to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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